AMES DAL BON A BAR #157942 AW OFFICES OF JAMES DAL BON 8 NORTH 181 SUITE 210 AN JOSE, CA 95113 EL (408)297-4728 LUNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA BER CONSTANZA Alaintiff, Case No: 08-5757 KWX RMW Voluntary Dismissal of All Claims Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Order Approving Settlement 1) Pursuant to Federal Rules of Civil Procedure 41(a)(1)(i) the plaintiff hereby dismisses his case with prejudice. 2) Plaintiff further requests a Court Order approving his settlement with the Defendants. Because Plaintiff's action contains claims under the Federal Labor Standards Act (FLS. such claims may not be settled and released without the supervision of either the Secretary of Labor or a district court. (29 U.S.C. §253; see Lymn's Food Stores, Inc. v. U.S., 679 F.2d 1350, 1352-53 (11th Cir. 1982.)) To obtain court approval, the parties may present the proposed settlement to the court to evaluate whether the settlement is a fair and reasonable resolution of a bona fide dispute. (Id. at 1353.) 3) Plaintiff considered each of these factors in settling his case: a. Defendants dispute that plaintiff is a non exempt employee b. Defendants dispute the number of overtime hours worked by the Plaintiff						
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		D.	Defendants disp	are the numbe		y the Plaintiff

Voluntary Dismissal With Prejudice

508626

IT IS SO ORDERED THAT:

- 1) The parties' settlement is found to be fair and reasonable;
- 2) Entry of default against defendants be vacated;
- 3) The entire case is hereby dismissed with prejudice.

Dated: 6/23/09

Ronald M. Whyte

Hon. Ronald M. Whyte Judge of the U.S. District Court

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Read and Understood

Dated: 05/14/2009